

### **REMARKS**

Applicant respectfully requests reconsideration of this application in view of the following remarks and the above amendments. This response is believed to fully address all issues raised in the Office Action mailed April 15, 2009. Furthermore, no new matter is believed to have been introduced hereby. Claims 1-23 remain pending as amended above.

#### **35 USC § 103 Rejection of the Claims**

Claims 1-3, 7-12, 16-17 and 19-23 were rejected under 35 USC § 103(a) as being unpatentable over Lay (U.S. Publication No. 20050033531) in view of Chen et al. (U.S. Patent No. 6,351,785). Claims 4 and 13 were rejected under 35 USC § 103(a) as being unpatentable over Lay (U.S. Publication No. 2005/0033531) in view of Chen et al. (U.S. Patent No. 6,351,785) and further in view of Middleton et al. (U.S. Publication No. 2005/0207387) and further in view of Hao (U.S. Publication No. 20030172220). Claims 4 and 13 were rejected under 35 USC § 103(a) as being unpatentable over Lay (U.S. Publication No. 2005/0033531) in view of Chen et al. (U.S. Patent No. 6,351,785) and further in view of Benayoun et al. (U.S. Patent No. 6789130). Claims 5 and 14 were rejected under 35 USC § 103(a) as being unpatentable over Lay (U.S. Publication No. 2005/0033531) in view of Chen et al. (U.S. Patent No. 6,351,785) and further in view of Kasper (U.S. Publication No. 20020133647). Claim 18 was rejected under 35 USC § 103(a) as being unpatentable over Lay (U.S. Publication No. 2005/0033531) in view of Chen et al. (U.S. Patent No. 6,351,785) and further in view of Erimli et al. (U.S. Patent No. 6,487,212). Claims 6 and 15 were rejected under 35 USC § 103(a) as being unpatentable over Lay (U.S. Publication No. 2005/0033531) in view of Chen et al. (U.S. Patent No. 6,351,785) and further in view of Zimmermann et al. (U.S. Publication No. 20030161302).

Each of these rejections is respectfully traversed since the cited art, alone or in combination, fails to teach or suggest the claimed combination of features such as set forth in any of the pending claims.

Without limiting the scope of embodiments of the invention, only in an effort to impart precision to the claims (e.g., by more particularly pointing out embodiments of the invention, rather than to avoid prior art), and merely to expedite the prosecution of the present application, Applicant has amended independent claim 1 to in part recite "wherein the request is to comprise

a pause time field to indicate a time period to pause transmission of traffic to the storage device”  
(for support please refer to the specification, e.g., Fig. 2 and/or paragraph [0013]).

It is respectfully submitted that the cited art, alone or in combination, clearly fail to teach or even suggest the claimed combination of features such as set forth in claim 1, including for example, the claimed inclusion of the claimed pause filed in the request which is to stop transmission.

The remaining independent claims recite similar (though not identical) language and have been rejected for similar reasons as claim 1. Hence, these remaining independent claims should be allowable for at least similar reasons as claim 1, as well as additional or alternative elements that are recited therein but not shown in the cited prior art.

Also, all pending dependent claims should be allowable for at least similar reasons as their respective independent claims, as well as additional or alternative elements that are recited therein but not shown in the cited prior art.

For example, with respect to claims 6 and 15, the Action states:

through (iv). However, Zimmermann et al discloses a method wherein if the data in the buffer reaches threshold, the coming data flow is paused and therefore a safety margin is set (see paragraph 0051). Thus it would have been obvious to the one skill in the art to adapt the method of Zimmermann et al into the system of Lay in view of Chen et al for the purpose of avoiding loss of data.

However, paragraph [0051] of Zimmermann states:

[0051] According to the pause/resume scheme, if the data in the buffer reaches threshold 310-O, the data flow from server 205 is paused. The playback will continue to consume data from buffer 253. When the data in buffer 253 reaches watermark 310-U, the delivery of the stream is resumed from server 205. If the delivery rate RN of the data is set correctly, buffer 253 will not underflow while the stream is resumed. A safety margin in both watermarks 310-O and 310-U may be set in order to accommodate network delays.

As can be readily seen, nothing suggests any of the specific recitations of claims 6 or 15. Accordingly, claims 6 and 15 are believed to be allowable for these further reasons.

**Conclusion**

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (303-800-6678) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 50-4238.

Respectfully submitted,  
**CUSTOMER NUMBER: 50890**  
Telephone Number: 303-800-6678

Date July 15, 2009

By /Ramin Aghevli – Reg. No. 43,462/  
Ramin Aghevli  
Reg. No. 43,462